

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 5, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING	5
ITEM-1: ROLL CALL	6
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
ITEM-30: Approval of Council Minutes	6
ITEM-31: National Homeownership Week	7
ITEM-32: St. Spyridon Greek Orthodox Church and Greek Festival	8
ITEM-33: Hoover High School Lady Cardinals Basketball Team Day	8
ITEM-34: Serra High School Conquistadors Basketball Team Day	9
ITEM-35: PRESENTED	10
NON-AGENDA COMMENT	10
COUNCIL COMMENT	13
* ITEM-100: Removal of Architectural Barriers for the Disabled - Contract 42	15
* ITEM-101: <u>Two</u> actions related to the Final Subdivision Map of Marina Center	16
* ITEM-102: Lot Line Adjustment - Parcel Map W.O. 33000 (ID 98-274) - City Owned Land	18

* ITEM-103: Landscaping Easement Abandonment in Lot 58 of Map-13831	19
* ITEM-104: Amendment to the Undergrounding of Utilities - 1999 Calendar Year, Annual Allocation "Case 8209" Funds	20
* ITEM-105: Zion Avenue (from Mission Gorge Road to Waring Road) Underground Utility District	21
* ITEM-106: <u>Three</u> actions related to the Mid-City Maintenance Assessment District Sub-District #13.	22
* ITEM-107: Burgener Boulevard (from Field Street to Jellet Street) Underground	24
* ITEM-108: Seeking Authorization to Apply for Grant to Fund the Chollas Creek Enhancement Program	26
* ITEM-109: Request to Accept Floating Restrooms from the State of California, Department of Boating and Waterways	27
* ITEM-110: Adoption of a Resolution Certifying Municipal Revenue Advisors as a City Representative	28
ITEM-111: Initiation of an Amendment to San Diego Spectrum Development Agreement No. 00-18448.	30
ITEM-112: Mission Bay Park Boundary Survey	31
* ITEM-113: Authorizing Expenditure of Funds for Attorney's Fees as part of Settlement in the Case Corbett v. City of San Diego (SDCERS)	32
* ITEM-114: Settlement of Grievance/Claim from the San Diego Police Officers Association regarding the back-pay for Detective Tim Hall	33
* ITEM-115: U.S. Postal Service Celebrate the Century Express Day	35
* ITEM-116: San Diego Baykeeper 5th Anniversary	36
* ITEM-117: Excusing Mayor Golding from the 5/1/2000 Rules Committee Meeting	36

* ITEM-118: Metcalf & Eddy Agreement for Lakeside Pump Station Pre-Design	36
* ITEM-119: Agreement with Nasland Engineering to provide As-Needed Civil Engineering Consultant Services for the Water Department Operations Division	38
* ITEM-120: Authorizing a Retainer Agreement with Hawkins, Delafield and Wood to serve as Special Counsel Providing Legal Advice to the City related to Solid Waste Matters	40
* ITEM-121: Amendment No. 1 to the Agreement with Woodward Clyde Consultants	41
* ITEM-122: Consultant Agreement with John Powell & Associates, Inc., for Rancho Bernardo Pipeline No. 2	42
ITEM-150: Fire Station Reinvestment Initiative	44
ITEM-200: Ordinance amending San Diego Municipal Code Section 24.0901.1 related to the San Diego City Employees' Retirement System	46
ITEM-201: Amendments to the San Diego Municipal Code relating to the San Diego City Employees' Retirement System	47
ITEM-202: Cable Television Franchise Agreement with Western Integrated Networks of California	50
ITEM-203: <u>Two</u> Actions Related to Year-end Budget Adjustments	51
ITEM-250 Submission of Ballot Proposals	51
ITEM-251: Settlement of the Property Damage Claim of Thomas Perrotti, et al.	52
ITEM-252: Settlement of the Personal Injury Claim of Ann Haakenson and Steven Jones . .	53
*ITEM-S400: Approving the Final Subdivision Map of San Diego Spectrum Phase 3	54
*ITEM-S401: Approving the Final Subdivision Map of Imperial Marketplace	55
*ITEM-S402: <u>Four</u> actions related to Approving the Final Subdivision Map of Torrey Del Mar	56

ITEM-S403: New Main Library Site Selection	58
NON-DOCKET ITEMS	59
ADJOURNMENT	59

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:17 p.m. The meeting was recessed by Mayor Golding at 4:33 p.m. for a short break. The meeting was reconvened by Mayor Golding at 4:40 p.m. with all members present. Deputy Mayor Mathis adjourned the meeting at 6:15 p.m. into Closed Session on Tuesday, June 6, 2000 at 9:00 a.m. and at 12:00 p.m. following the regular meeting, in the twelfth floor conference room to discuss existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (ew)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Rosie Robinson of Church of Jesus Christ.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 5/15/2000
- 5/16/2000
- 5/16/2000 Special Joint Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A028-037.)

MOTION BY MATHIS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: National Homeownership Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1483) ADOPTED AS RESOLUTION R-293214

Proclaiming the week of June 3-10, 2000 to be "National Homeownership Week" and San Diegans are encouraged to recognize this special observance with appropriate ceremonies and activities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-260.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: St. Spyridon Greek Orthodox Church and Greek Festival Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1486) ADOPTED AS RESOLUTION R-293215

Recognizing the outstanding contributions of St. Spyridon Greek Orthodox Church to serve the Greek Orthodox community in San Diego and preserve the rich culture and heritage of this community by presenting the Greek Festival for the past thirty-one years;

Proclaiming June 10, 2000 to be "St. Spyridon Greek Orthodox Church and Greek Festival Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-260.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargass-yea, Mayor Golding-yea.

ITEM-33: Hoover High School Lady Cardinals Basketball Team Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1485) ADOPTED AS RESOLUTION R-293216

Recognizing the outstanding achievement of the 1999-2000 Hoover High School Lady Cardinals basketball team for winning the school's first-ever Harbor League Championship;

Proclaiming June 5, 2000 to be "Hoover High School Lady Cardinals Basketball Team Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A149-260.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34: Serra High School Conquistadors Basketball Team Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1463) ADOPTED AS RESOLUTION R-293217

Recognizing the accomplishments of the Serra High School Conquistadors Basketball Team and proclaiming June 5, 2000 as "Serra High School Conquistadors Basketball Team Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A199-260.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-35: PRESENTED

An Informational Report regarding the Community Service Program Update.

(See City Manager Report CMR-00-108.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-357.)

MOTION BY McCARTY TO RECEIVE AND ACCEPT THE REPORT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell commending the City Council for the inclusion of nearly \$10 million in the currently considered City Budget for the Six-to-Six Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A484-531.)

PUBLIC COMMENT-2:

Comments by Carol Leath regarding the City's interest in TOT funds that a 600-room hotel would bring in. She further stated that De Anza is not the place for the 600-room hotel and asked about the 10th Amendment Protective Clause that allows the City to accept, reject, or modify the development procedure.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A532-556.)

PUBLIC COMMENT-3:

Comments by Ethel Murphy regarding an article in the Sunday newspaper about a man who will give \$3 million to help relocate 60 seniors who are renting apartments which the City will demolish to build a new Library. She further commented on Council Member Vargas' television interview stating that "if you move these seniors, many of them will die." She added that there are many senior citizens who own their homes in De Anza; that the homes are their biggest investments; and that they have more to lose than renters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A557-595.)

PUBLIC COMMENT-4:

Comment by Gary Marchinke regarding his recommendation to remedy the safety hazard at Lake Murray.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A596-624.)

PUBLIC COMMENT-5: REFERRED TO THE CITY MANAGER

Comments by Alvin Walter regarding dogs being allowed to run free, unleashed, unsupervised, and unpoliced at Dog's Beach. He further commented that he was a victim when an unleashed, unsupervised, and aggressive dog bolted in front of his wheel when he was riding his bicycle slowly along Dog's Community bike path and he was knocked over on the ground and broke his hip. He suggested that the City should close down Dog Beach or as an alternative, turn it into a park where people are allowed to pay fees and have the area policed on a regular basis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A625-B056.)

PUBLIC COMMENT-6: REFERRED TO THE CITY MANAGER

Comments by Laura Mallgren regarding dogs off leash at Mission Trails Regional Park. She commented on a dog attack that could have been prevented by local enforcement and through County-wide education by the rangers at Mission Trails Regional Park. She further commented on an article regarding dogs having a disease that they could pass on to the wildlife and requested, that Council look into it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B057-084.)

PUBLIC COMMENT-7: REFERRED TO THE CITY MANAGER

Comments by James Lambert regarding an article that was published by the Sacramento Bee stating that the San Diego Public Library system has decided to keep on the shelves two books containing pictures that a San Diego judge labeled as "child pornography." He further stated that a library spokesman, Cynthia Queen, said that the Library Review Board deemed this material to be "culturally and artistically significant." He further added that according to newspaper accounts, these books and their photos were used by a convicted child molester in violation of his parole. He also stated that Superior Court Judge William Kennedy admitted that these books were "not art for art sake but for sexual purposes."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B085-138.)

PUBLIC COMMENT-8:

Comment by Art Salzberg regarding homeless women.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B139-146.)

PUBLIC COMMENT-9:

Comments by Ron Boshun asking if the City Council will cave in and give the Padres more money to continue their quest for a new stadium even though the people have voiced through initiative and referendum process that they have other thoughts.

Mayor Golding responded that there was a 60% vote by the people of San Diego to direct the City Manager and the City Council to sign the MOU with the Padres and to proceed with the Ballpark and Redevelopment Project. She further stated that any monies that are expended by the City are within the guidelines of the MOU

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B147-183.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Warden thanking the people at Torrey Pines for their hard work and participation with the Golf Tournament to benefit the AIDS Walk.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B184-204.)

COUNCIL COMMENT-2:

Comments by Council Member Stevens announcing that the Chollas Lake Park had their Annual Celebration this past Saturday and commended them for renewing the activity in Oak Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B205-229.)

COUNCIL COMMENT-3:

Comment by Council Member Stallings announcing the Tri-Canyon Clean-Up will be this Saturday at 8:00 a.m. and to meet in the North Clairemont Recreation Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B230-241.)

COUNCIL COMMENT-4:

Comment by Mayor Golding announcing that she hopes to have the Redevelopment of NTC and the History of NTC Celebration on Saturday, June 17th at the Naval Training Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B242-257.)

* ITEM-100: Removal of Architectural Barriers for the Disabled - Contract 42.

(Rancho Bernardo, Rancho Peñasquitos, Mira Mesa, University, La Jolla, Pacific Beach, Clairemont Mesa, Linda Vista, Kearny Mesa, Navajo, Mid-City (Kensington), Logan Heights, Skyline/Paradise Hills (Lomita, Skyline) Otay Mesa/Nestor, San Ysidro Community Areas. All Districts.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1206) ADOPTED AS RESOLUTION R-293218

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Removal of Architectural Barriers for the Disabled - Contract 42 on Work Order No. 112827;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$20,000 from CDBG Fund 18534, Dept. No. 4175, Org. No. 7510; \$80,000 from CDBG Fund 18534, Dept. No. 4175, Org. No. 7503; \$40,000 from CDBG Fund 18535, Dept. No. 4195, Org. No. 9503; and \$5,062 from CDBG Fund 18533, Dept. No. 4145, Org. No. 4508 to CDBG Fund 18535, Dept. No. 4195, Org. No. 9501, Job Order No. 112827.

Authorizing the expenditure of an amount not to exceed \$245,062 from CDBG Fund 18535, Dept. 4195, Org. 9501, Job Order No. 11287;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K20089C)

CITY MANAGER SUPPORTING INFORMATION:

Community Development Block Grant Fund Nos. 18533, 18534 and 18535 provide for the design and construction of pedestrian ramps. The ramps are required because persons with disabilities and many senior citizens find their mobility restricted by curbs that are difficult to negotiate. This project will provide 186 ramps.

FISCAL IMPACT:

The project budget is \$245,062, including design, construction, inspection, and contingencies. Funds for this project are available in CDBG Fund Nos. 18533, 18534 and 18535.

Belock/Boekamp/HR

Aud. Cert. 2001014.

FILE LOCATION: W.O. 112827

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101: Two actions related to the Final Subdivision Map of Marina Center.

(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1455) ADOPTED AS RESOLUTION R-293219

Authorizing a Subdivision Improvement Agreement with the Reliance Development Group, Inc. for the installation and completion of public improvements.

Subitem-B: (R-2000-1417) ADOPTED AS RESOLUTION R-293220

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 2.511 acre site into 1 lot for a 246 unit residential condominium/commercial development. This proposed development is located southeast of Front Street and G Street in the Marina Planned District Zone. On February 17, 2000 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2930-PC for Marina Center. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 30160-1 D through 30160-16-D filed in the Office of the City Clerk under Micro Number 140.29. All improvements are to be completed within 2 years. The Engineer's estimate for the cost of improvements is \$398,251 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$2,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and the U.S. Department of Housing and Urban Development.

FISCAL IMPACT: None.

Culbreth-Graft/Haase/LH

FILE LOCATION: Subitems A & B: SUBD: Marina Center [40]

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: Lot Line Adjustment - Parcel Map W.O. 33000 (ID 98-274) - City Owned Land.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1408) ADOPTED AS RESOLUTION R-293221

Authorizing the City Manager to effectuate a lot line adjustment - Parcel Map W.O. 33000 (ID 98-274) and deed exchange with the Solana Beach School District to reconfigure the Solana Highlands Park by 613 square feet.

CITY MANAGER SUPPORTING INFORMATION:

The project is located in the Carmel Valley Community Planning Area, north of Del Mar Heights Road and east of High Bluff Drive. The site is comprised of two parcels, one owned by the City of San Diego and developed as Solana Highlands Park. The second parcel is owned by the Solana Beach School District and developed as an elementary school. The City and the School District are currently operating under a joint use agreement for this site. A minor expansion by the School District resulted in an encroachment by a portion of the school building onto the dedicated park land. The School District, the Park and Recreation Department and the City Attorney's office have agreed on a solution to correct the problem. The School District will exchange with the City 613 square feet of the school site, the amount of the encroachment, for 613 square feet of park land where the encroaching structure is built. The lot line adjustment parcel map will reflect the new ownership configuration and facilitate the property transfer by deed. This will result in the park being exactly the same size as before and there is no material impact on the operation of the park or the joint use agreement with the school. Staff recommends approval.

FISCAL IMPACT:

Costs are paid by the Solana Beach School District.

Loveland/Haase/PH

FILE LOCATION: DEED F-7774

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103: Landscaping Easement Abandonment in Lot 58 of Map-13831.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1385) ADOPTED AS RESOLUTION R-293222

Vacating the landscaping easement located within Lot 58 of Carmel Village Map-13831.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of a landscaping easement in Lot 58 of Carmel Valley Subdivision, which is located in the Carmel Valley Community area within Council District 1. The reason for abandoning the landscaping easement relates to the revised location of the perimeter wall for the project, which delineates the landscaped area maintained by the Carmel Valley Landscape Maintenance District. The portion of the easement to be abandoned is located on private property, behind the perimeter wall and will not be visible from the public right-of-way. The easement to be abandoned was acquired at no cost to the City. City staff recommends approval of the landscaping easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED F-7775

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Amendment to the Undergrounding of Utilities - 1999 Calendar Year, Annual Allocation "Case 8209" Funds.

(Centre City Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1422) ADOPTED AS RESOLUTION R-293223

Modifying the Annual Allocation - Undergrounding of Utilities, San Diego Gas & Electric Company Allocation for Calendar Year 1999 to remove the project known as "CCDC Area 1, Phase 2, Job 2" estimated at \$2,000,000 and replace it with the undergrounding of 69 KV lines within the under-ground utility districts known as "CCDC Area 1, Phase 1" and "CCDC Area 2, Phase 2" (more specifically, Island Avenue between 6th Avenue and 14th Avenue), at a cost to SDG&E of \$1,200,000.

CITY MANAGER SUPPORTING INFORMATION:

The requested action is in accordance with Revisions of Council Policy 600-08. When the undergrounding was initially done on Island Avenue, per Council Policy, only 12KV lines could be done, not 69KV lines. The undergrounding of the 12KV lines has been completed. CCDC requested that the 69KV line on Island Avenue be completed before the undergrounding of CCDC Area I , Phase 1, Job 2. In order to do this, funds must be reallocated in order to not exceed the allocation levels as prescribed per the 1995 settlement agreement with SDG&E.

FISCAL IMPACT:

None with this action.

Belock/Boekamp/HR

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Zion Avenue (from Mission Gorge Road to Waring Road) Underground Utility District.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1392) ADOPTED AS RESOLUTION R-293224

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Zion Avenue (from Mission Gorge Road to Waring Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Zion Avenue (from Mission Gorge Road to Waring Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in

financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$257,847 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001158.

FILE LOCATION: STRT-K-278 [38]

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Three actions related to the Mid-City Maintenance Assessment District Sub-District #13.

(El Cajon Boulevard Community Area. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1339) ADOPTED AS RESOLUTION R-293225

Proposing the annexation of Sub-District #13 into the Mid-City Maintenance Assessment District.

Subitem-B: (R-2000-1340) ADOPTED AS RESOLUTION R-293226

Preliminarily approving the City Engineer's Report.

Subitem-C: (R-2000-1341) ADOPTED AS RESOLUTION R-293227

Resolution of Intention to levy and collect Fiscal Year 2001 annual assessments.

CITY MANAGER SUPPORTING INFORMATION:

This action annexes and establishes the Fiscal Year 2001 assessment for the Mid-City Maintenance Assessment District Sub-District #13 (Sub-District). This Sub-District generally includes parcels along El Cajon Boulevard and neighborhood side streets, from Interstate 805 to 54th Street. The purpose of the Sub-District #13 is to fund maintenance costs associated with lighting, landscaping, hardscape features (sidewalks, curbs, gutter, etc.), trees, litter and weed abatement, neighborhood gateway elements, a regional transit station, and other improvements. The primary distinction between the two zones is that Zone #1 has landscaped medians. Also, included in this action is the annexation and abandonment of the San Diego Street Light Maintenance Assessment District #1 Sub-Districts #45 (El Cajon Boulevard #1) and #83 (El Cajon Boulevard #2) and the abandonment of the Mid-City Sub-Districts #8, #10, and #11 which will be included in the new Sub-District upon approval. The Fiscal Year 2001 proposed maintenance costs for the District are as follows:

SUB-DISTRICT #13

<u>DESCRIPTION</u>	<u>Zone #1</u>	<u>Zone #2</u>	<u>Total</u>
BEGINNING BALANCE	\$ 62,674.00	\$ 0.00	\$ 62,674.00
REVENUE:			
Assessments	\$129,820.00	\$106,181.00	\$236,001.00
Interest	2,500.00	500.00	3,000.00
City Contribution	4,038.00	0.00	4,038.00
TOTAL REVENUE	\$136,358.00	\$106,681.00	\$243,039.00

EXPENSE:

Personnel	\$ 12,965.00	\$ 3,222.00	\$ 16,187.00
Contractual	73,100.00	45,930.00	119,030.00
Incidental	21,781.00	39,177.00	60,958.00
Utilities	<u>28,310.00</u>	<u>18,160.00</u>	<u>46,470.00</u>
TOTAL EXPENSE	\$ 136,156.00	\$106,489.00	\$242,645.00
RESERVE/ ENDING BALANCE	\$ 62,876.00	\$ 192.00	\$ 63,068.00

The proposed assessment for the Sub-District in Fiscal Year 2001 is \$9.00 per Boulevard Linear Front Foot (B-LFF) and \$0.64 per Side Street Linear Foot (SS-LLF) in Zone #1 and \$6.00 per B-LFF and \$0.64 per SS-LFF in Zone #2. The assessment may be indexed annually by the factor published in the San Diego CPI-U. The Sub-District contains a total of 10,931.80 B-LFF and 49,113.03 SS-LFF in Zone 1 and a total of 10,892.48 B-LFF and 63,786.03 SS-LFF in Zone 2.

FISCAL IMPACT:

It is proposed that the City contribute \$4,038 from the Gas Tax Fund for the maintenance of 33,650 sq. Ft. of street medians (\$0.12/sq. ft.). This represents the City's share of expenses incurred for the maintenance of street medians comparable to similar areas throughout the City. All other costs will be assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: Subitems A, B & C: STRT-M420-01 [34]

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: Burgener Boulevard (from Field Street to Jellet Street) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1410) ADOPTED AS RESOLUTION R-293228

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Burgener Boulevard (from Field Street to Jellet Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Burgener Boulevard (from Field Street to Jellet Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$332,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001159.

FILE LOCATION: STRT K-279 [38]

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Seeking Authorization to Apply for Grant to Fund the Chollas Creek Enhancement Program.

(District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1414) ADOPTED AS RESOLUTION R-293229

Authorizing the application and execution of a grant from the California Department of Water Resources, Division of Planning and Local Assistance, Urban Streams Restoration Program for the Chollas Creek Enhancement Program.

CITY MANAGER SUPPORTING INFORMATION:

Chollas Creek is a natural drainage creek that traverses Southeastern San Diego from Mid-City and Lemon Grove to the San Diego Bay. The natural drainage area has been substantially modified over the years by urban development. In the past 50 years, freeway and other development have further segmented the creek's geography. The creek has been the subject of neighborhood discussion for its restoration and enhancement as a linear park through the Greater Mid-City and Southeastern communities. An historically important byway to San Diego native groups, today the creek may hold the key to the qualitative revitalization of its surrounding neighborhoods. Policies for Chollas Creek Enhancement are contained in the Mid-City, Southeastern San Diego, and Barrio Logan Community Plans. Planning and Development Review staff are in the process of putting together the Chollas Creek Enhancement Program designed to outline implementation of already adopted Council Policy in the 3 Community plans identified above. Staff has been advised that the Urban Streams Restoration Program has

expressed an interest in providing some financial support for the Chollas Creek Enhancement Program. The segment of Chollas Creek in which this particular funding would be applied, is that which traverses the intersection of Euclid Avenue and Market Street and extends easterly to 54th Street. In order to continue discussion on the funding, the Urban Streams Restoration Program is requesting a Resolution from the City Council expressing support for the effort.

FISCAL IMPACT:

If grant is approved, the City would receive \$200,000 not otherwise available for Chollas Creek improvements.

Loveland/Goldberg/LH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Request to Accept Floating Restrooms from the State of California, Department of Boating and Waterways.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1158) ADOPTED AS RESOLUTION R-293230

Authorizing the City Manager to accept the floating restrooms facility from the State of California, Department of Boating and Waterways for installation at Lake Sutherland.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, Water Department has installed floating restrooms at Lake Hodges, El Capitan and San Vicente Reservoirs over the past ten years through grants offered by the State

of California, Department of Boating and Waterways. These restrooms help serve the public that frequent the facilities for boating and other water related recreation while protecting the water quality of the reservoirs where they are installed. This action will provide two additional floating restrooms, to the Water Department, at an estimated value of \$128,000 for installation at Lake Sutherland.

FISCAL IMPACT:

Maintenance and upkeep of the facility will be the only fiscal impact in acquiring these facilities. The fiscal impact for maintenance and upkeep is expected to be \$2,000 annually. These costs will be covered by present appropriations. Estimated value of the floating restrooms is \$128,000.

Loveland/LG/MS/TM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Adoption of a Resolution Certifying Municipal Revenue Advisors as a City Representative.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1407) ADOPTED AS RESOLUTION R-293231

Certifying to the State Board of Equalization (BOE) that Municipal Revenue Advisors is a designated representative of the city to examine all of the sales and use tax records of the BOE pertaining to sales and use taxes collected by the BOE on behalf of the City;

Certifying that Municipal Revenue Advisors (MRA), a sole proprietorship, meets all of the following conditions:

- a) MRA has an existing contract with the City to provide sales tax auditing services;
- b) MRA is required by that agreement to disclose information contained in, or derived from those sales tax records only to an officer or employee of the City who is authorized by resolution to examine the information;
- c) MRA is prohibited by the contract from performing consulting services for a retailer during the term of the contract;
- d) MRA is prohibited by the contract from retaining the information contained in, or derived from those sales tax records after the contract has expired.

CITY MANAGER SUPPORTING INFORMATION:

The Business Cooperation Program will require the professional services of a municipal tax consulting firm. The City has selected Municipal Revenue Advisors (MRA) to perform this function. Pursuant to California Revenue and Taxation Code Section 7056, the City may, by resolution, designate any person to examine the sales and use tax records of the State Board of Equalization (BOE) pertaining to sales and use taxes collected by the BOE for the City.

The City Council approved a nearly identical Resolution (R-288426) on March 17, 1997 following the execution of a consulting contract with another tax consulting firm, Municipal Resource Consultants (MRC). There will be no fiscal impact with this action. Adoption of this action will only allow MRA employees to examine tax records of San Diego taxpayers for the express purpose of implementing the Business Cooperation Program.

Loveland/Cunningham/RG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-111: Initiation of an Amendment to San Diego Spectrum Development Agreement No. 00-18448.

(See Planning Commission Report P-00-091. Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1413) ADOPTED AS RESOLUTION R-293232

Adopting the initiation to an amendment to the Development Agreement to become effective upon City Council adoption of the Development Agreement Amendment.

CITY MANAGER SUPPORTING INFORMATION:

On May 11, 2000, the Planning Commission recommended the initiation of an Amendment to the San Diego Spectrum Development Agreement (Document No. 00-18448), to allow Residential Use in place of the Commercial and Industrial Use by a 5-0-1 vote. Comments made by the Commission while considering the initiation proposal are included in the Planning Commission Resolution No. 2959-PC. The requested amendment to the Development Agreement (Document No. 00-18448, adopted December 2, 1997) between the City of San Diego and LNR Kearny Mesa, Inc., who are successors to General Dynamics Properties, Inc., is for the inclusion of a residential site, consisting of Parcel 4 of Map 18204 which requires an amendment to the Development Agreement since the adopted Development Agreement specifically lists permitted uses, and residential is not included.

The City is willing to consider an amendment to the Development Agreement based on the following reasons:

1. The inclusion of a residential site within the overall Master Plan is a proposal with merit due to the current shortfall in rental units and its impact on the availability of low or moderate income housing.
2. There will be no net loss of land designated Industrial/Business Park since the 11.7 acre parcel west of the requested residential area on Spectrum Centre Court would convert to an industrial designation from commercial.

3. The Development Agreement will be renegotiated to ensure the timing of the Extraordinary Benefits will continue to be commensurate with the terms of the original Development Agreement.

FISCAL IMPACT:

All costs associated with processing this application has been paid for out of a deposit account provided by the applicant.

Loveland/Haase/FZM

FILE LOCATION: DEV'L: San Diego Spectrum Development Agreement [07]

COUNCIL ACTION: (Tape location: E313-542.)

MOTION BY STALLINGS TO ADOPT THE RESOLUTION WITH DIRECTION TO HAVE CITY STAFF BRIEF COUNCIL MEMBERS KEHOE AND VARGAS AND RESPOND TO THE FOLLOWING QUESTIONS REGARDING THIS PROJECT: 1) HOW ARE YOU GOING TO FIT MORE JOBS ON THIS SITE; 2) HOW ARE YOU GOING TO GET LONG-TERM ECONOMIC DEVELOPMENT IN THIS AREA; AND 3) WHAT IS GOING ON WITH THE PROPERTY IN THIS AREA. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-112: Mission Bay Park Boundary Survey.

(See City Manager Report CMR-00-111. Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1454) ADOPTED AS RESOLUTION R-293233

Authorizing the City Manager to execute an agreement with Project Design Consultants, for conducting a boundary and acreage survey of Mission Bay Park;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$468,000 from General Fund 100, Park and Recreation Department No. 442, for the Project, provided that an amount not to exceed \$426,000 may be paid to Project Design Consultants, and an amount not to exceed \$42,000 may serve as a contingency reserve for City use only;

Declaring that \$168,000 of the \$468,000 expenditure authorized above is contingent upon the approval of the Fiscal Year 2001 budget.

Aud Cert. 2001175.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E543-F271.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AND MOVE FORWARD.
Second by Kehoe.

Substitute motion by Vargas to spend the \$426,000 on cleaning up the bay. Second by McCarty. Vote not taken.

Executive Assistant City Attorney Leslie Devaney stated that the substitute motion would not be appropriate because taking the \$468,000 which is noticed to go into a survey and putting it into something that is not being noticed would not be appropriate under the Brown Action.

Substitute motion by Vargas to refer this item back to the City Manager to take a look at the \$426,000 for urban run off as clean-up. Second by McCarty. Failed. Yeas-7,8. Nays-1,2,3,4,5,6. Not Present-M.

VOTE ON ORIGINAL MOTION: Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

* ITEM-113: Authorizing Expenditure of Funds for Attorney's Fees as part of Settlement in the Case Corbett v. City of San Diego (SDCERS).

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1402 Cor.Copy) ADOPTED AS RESOLUTION R-293234

A Resolution approved by the City Council in Closed Session on Tuesday, April 11, 2000 by the following vote: Mathis-yea; Wear-not present; Kehoe-yea; Stevens-nay; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$1,200,000 to pay all fees and costs of attorneys representing the plaintiffs and all intervenors in the case of Corbett, et al, v. City Employees Retirement System, San Diego Superior Court, Case No. 722449, as part of and conditioned upon the settlement of the case in its entirety;

Authorizing \$600,000 of the above-referenced sum to be paid from the City's General Liability Reserve Fund No. 81140, Account No. 4141 and other funds as listed on Auditor's Certificate Number 2001154, with the balance of \$600,000 paid from the Retirement Fund No. 60011, Account No. 4141.

Aud. Cert. 2001154.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114: Settlement of Grievance/Claim from the San Diego Police Officers Association regarding the back-pay for Detective Tim Hall.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-982) ADOPTED AS RESOLUTION R-293235

A Resolution approved by the City Council in Closed Session on Tuesday, February 22, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$23,000 resulting from the settlement of Grievance Claim from the San Diego Police Officers Association regarding the back-pay for detective Tim Hall;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$23,000, made payable to Detective Tim Hall, in full settlement of the lawsuit and all claims;

Declaring that said funds are to be payable from Fund No. 100, Department No. 110, Organization No. 5700.

CITY MANAGER SUPPORTING INFORMATION:

This settlement was approved by the City Council in Closed Session on February 22, 2000.

FISCAL IMPACT:

One time cost of \$23,000 for back-pay of differential between interview and interrogation Specialist Trainee, and Police Officer II Detective, for a period of October 5, 1998 to August 7, 1999.

Herring/Kelly

Aud. Cert. 2001176.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: U.S. Postal Service Celebrate the Century Express Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1293) ADOPTED AS RESOLUTION R-293236

Proclaiming Saturday, May 20, 2000 to be "U.S. Postal Service Celebrate the Century Express Day" in San Diego in recognition of an outstanding commitment to historical preservation and service to the United States public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116: San Diego Baykeeper 5th Anniversary.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1294) ADOPTED AS RESOLUTION R-293237

Proclaiming Saturday, May 13, 2000 to be "San Diego Baykeeper Day" in San Diego, in recognition of an outstanding commitment to preservation of one of San Diego's most beautiful assets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117: Excusing Mayor Golding from the 5/1/2000 Rules Committee Meeting.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1484) ADOPTED AS RESOLUTION R-293238

Excusing Mayor Susan Golding from attending the regularly scheduled Rules, Finance and Intergovernmental Relations Meeting of May 1, 2000, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118: Metcalf & Eddy Agreement for Lakeside Pump Station Pre-Design.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1277) ADOPTED AS RESOLUTION R-293239

Authorizing the execution of an agreement with Metcalf & Eddy, to provide computer hydraulic modeling and pre-design services for the Lakeside Pump Station;

Authorizing the City Auditor to transfer \$205,000 from Water Fund 41500, CIP-70-936.0, Water Repurification, to Water Fund 41500, CIP-73-283.0, Lakeside Pump Station;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$248,679 from Water Revenue Fund 41500, CIP-73-283.0, Lakeside Pump Station, for the purpose of funding this agreement and related in-house engineering costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are deposited in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Lakeside Pump Station, located at the intersection of Woodside Avenue and River Street in the community of Lakeside, County of San Diego, is owned, operated and maintained by the City of San Diego. This pump station was constructed in 1951 to pump water from the San Vicente Reservoir to the Alvarado Filtration Plant. Due to its age and deteriorated condition, the Lakeside Pump Station does not operate efficiently or allow the Water Department to maximize the use of raw water resources from the San Vicente and El Capitan Reservoirs and the San Diego County Water Authority. To adequately address this deficiency, a computerized hydraulic model of the Lakeside Pump Station, San Vicente and El Capitan Reservoirs, Alvarado Filtration Plant and the pipelines connecting these facilities is needed. This hydraulic model will assist with analyzing and evaluating the water system hydraulics and help identify and define the most appropriate and cost effective upgrade project for the Lakeside Pump Station. A pre-design report will be prepared detailing the configuration and requirements for the upgraded Lakeside Pump Station for the most efficient use of available raw water resources. Ultimately, this analysis will provide the Water Department with additional flexibility in reservoir management strategies. The City's as-needed consultant process was used to interview the most qualified consultants. Six firms were interviewed and resulted in the selection of Metcalf & Eddy as the

most qualified firm to provide the required professional services. Metcalf & Eddy is familiar with the City's water system and has experience providing hydraulic computer modeling and pre-design engineering services for pump station projects.

FISCAL IMPACT:

Funding for the engineering consultant and related in-house engineering costs in the amount of \$205,000 is available to be transferred from Water Fund 41500, CIP-70-936.0, Water Repurification to Water Fund 41500, CIP-73-283.0, Lakeside Pump Station. The remaining funds, in the amount of \$43,679, are available from Water Fund 41500, CIP-73-283.0, Lakeside Pump Station.

Belock/Gardner/NMK

Aud. Cert. 2001150.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119: Agreement with Nasland Engineering to provide As-Needed Civil Engineering Consultant Services for the Water Department Operations Division.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1404) ADOPTED AS RESOLUTION R-293240

Authorizing the execution of an agreement with Nasland Engineering to provide as-needed civil engineering consultant services for the Water Department Operations Division;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$250,000 from Water Revenue Fund 41500, over a two-year period beginning with the acceptance of the agreement, for the purpose of funding this agreement, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This as-needed civil engineering contract will allow the Water Operations Division of the Water Department to bring in expertise of on-call engineering support services to handle emergency or complex operational issues in the water distribution system. This contract will augment existing City staff and will provide expertise in hydraulics, geotechnical, mechanical, electrical and structural engineering to assist the division in its efforts to operate its complex and challenging distribution, production and reservoir system.

FISCAL IMPACT:

The total estimated cost for this consultant contract is \$250,000 and funding is available from Water Revenue Fund 41500.

Belock/Gardner/ADD

Aud. Cert. 2001146.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-120: Authorizing a Retainer Agreement with Hawkins, Delafield and Wood to serve as Special Counsel Providing Legal Advice to the City related to Solid Waste Matters.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1382) ADOPTED AS RESOLUTION R-293241

Authorizing a Retainer Agreement with Hawkins, Delafield and Wood, to serve as special counsel providing legal advice and assistance to the City in contract negotiations related to solid waste matters, such as: planning for future solid waste disposal needs; franchise agreement negotiation and contract development; utilization of landfill gas for co-generation; liquified natural gas (LNG) and other energy applications; and negotiation and contract development for construction of LNG filling station;

Authorizing the expenditure of an amount of not to exceed \$150,000 (\$120, 000 from CIP-372540, New Landfill Site - Phase I, Refuse Disposal Enterprise Fund, Fund No. 41201/30244, and \$30,000 from CIP-370040, Refuse Disposal Enterprise Fund, Fund No. 41201/30244).

CITY MANAGER SUPPORTING INFORMATION:

The proposed Agreement with Hawkins, Delafield and Wood will provide the special counsel services necessary for solid waste matters, including negotiating a contract with NEO Corporation for converting Chollas landfill gas to LNG vehicle fuel and other solid waste related matters. The proposed consultant has been selected based on its national reputation and unique expertise as special contract counsel in the field of solid waste management.

FISCAL IMPACT:

The Agreement provides compensation in an amount not to exceed \$150,000. Funds for this purpose are available in CIP-372540, New Landfill Site - Phase 1, Refuse Disposal Enterprise Fund, Fund No. 41201/30244 and CIP-370040, Refuse Disposal Enterprise Fund, Fund No. 41201/30244.

Belock/Hays/LS

Aud. Cert. 2001162.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121: Amendment No. 1 to the Agreement with Woodward Clyde Consultants.

(Greater North Park, Mid-City, Greater Golden Hill, Barrio Logan, Mt. Hope, Chollas View, Emerald Hills, Encanto, South Encanto, Valencia Park, Lincoln Park, Mountain View, Southcrest Community Areas. Districts-3, 4, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1379) ADOPTED AS RESOLUTION R-293242

Authorizing the City Manager to accept, for and on behalf of the City, fees from participating agencies in an amount up to \$11,000 to be deposited in Fund 105085;

Authorizing Amendment No. 1 to the Agreement with Woodward Clyde Consultants, for professional services for as needed storm water sampling and testing, contingent on the City Auditor and Comptroller certifying fund availability;

Authorizing the expenditure of not to exceed \$33,000 from Fund 10440.4 and \$11,000 from Fund 105085, for Chollas Creek water quality monitoring, contingent on the City Auditor and Comptroller certifying fund availability.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the Federal Clean Water Act, the Regional Water Quality Control Board is developing water quality effluent limits for Chollas Creek pollutants otherwise known as TMDLs (Total Maximum Daily Loads). Additional wet weather water quality test data is desired to assist with TMDL development. This TMDL monitoring program was developed cooperatively between watershed stakeholders, in particular the Regional Board, CalTrans, Port District, and the Cities of San Diego, La Mesa, and Lemon Grove. URS Greiner Woodward Clyde is contracted by the City to provide As Needed Storm Water Sampling and Testing for the 20 Municipal storm water copermittees (Document No. RR-286211, August 7, 1995). This is the fifth year of a 5 year agreement. This Amendment No. 1 includes Chollas Creek sampling from 4 additional locations within the watershed. Their subconsultant is MGD Technologies, Inc. to install the automated sampling devices (\$27,600).

FISCAL IMPACT:

The total cost of the Amendment No. 1 is \$44,000. Funds are available from Street Division's operating Fund 10440 (\$33,000) and Fund 105085 (\$5,500 from La Mesa and \$5,500 from Lemon Grove).

Belock/Gonzalez/KH

Aud. Cert. 2001111.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122: Consultant Agreement with John Powell & Associates, Inc., for Rancho Bernardo Pipeline No. 2.

(Peñasquitos East, Mira Mesa, and Scripps Miramar Ranch Community Areas. Districts-1 and 5)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1451) ADOPTED AS RESOLUTION R-293243

Authorizing an agreement with John Powell & Associates, Inc., to provide engineering support services, for the preparation of construction documents for Rancho Bernardo Pipeline No. 2, together with any necessary modifications which the City Manager shall deem necessary to carry out the purposes and intent of the project and agreement;

Authorizing the expenditure of an amount not to exceed \$311,447 from Water Fund 41500, CIP-73-341.0;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Rancho Bernardo Pipeline No. 2 will provide an additional supply of water from the Miramar Water Treatment Plant (WTP) to the northern Miramar water service area including: Carmel Valley, City of Del Mar, Rancho Bernardo, and Black Mountain Ranch development. The existing Rancho Bernardo Pipeline currently has insufficient capacity to meet the water demands in the northern part of the City. As a result, the City relies heavily on the County Water Authority (CWA) Aqueduct connections in the north to supplement the supply from the WTP. It is the intention of the City to limit reliance on CWA connections except for redundancy or emergency purposes. Therefore, construction of the Rancho Bernardo Pipeline No. 2 will help reduce this reliance in the northern part of the City. The project consists of installing 26,520 linear feet of 48 and 42-inch diameter transmission main beginning near the Miramar Treatment Plant at Scripps Lake Drive and Scripps Ranch Boulevard, and ending at the Rancho Bernardo Pump Plant off Sparren Way just north of Carmel Mountain Road. Also, a 48-inch diameter pipeline, 5,025 feet in length, will be installed connecting the existing Rancho Bernardo Pipeline to the proposed Rancho Bernardo Pipeline No. 2. This extension pipeline will begin at the intersection of Mira Mesa Boulevard and Westview Parkway and travel westerly ending at the intersection of Calliandra Road and Westonhill Drive. The City will enter into the Agreement with John Powell & Associates, Inc., and retain their professional engineering support services to assist City staff in the design of the Rancho Bernardo Pipeline No. 2.

FISCAL IMPACT:

The compensation agreed upon with John Powell & Associates, Inc., for such services shall not exceed \$311,447. Funding for this purpose is available in Water Fund 41500, CIP-73-341.0, Rancho Bernardo Pipeline No. 2.

Belock/Boekamp/HR

Aud. Cert. 2001167.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Fire Station Reinvestment Initiative.

(See City Manager Report CMR-00-20 and Council Committee Consultant Analysis PS&NS-00-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-1164 Cor. Copy) ADOPTED AS AMENDED AS RESOLUTION
R-293244

Designating sufficient funds from Proposition 172/Safety Sales Tax revenues annually to support any issuance of appropriate bond financing for the reconstruction and rehabilitation of fire stations and equipment, as identified in the City Manager Report's CMR-00-20;

Directing the City Manager to report to the City Council regarding the impact, on the City's overall budget, of the use of Proposition 172/Safety Sales Tax revenues.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 2/2/2000, Council voted 4-1 to annually designate sufficient monies from Proposition 172/Senate Bill 8 Safety Sales Tax revenues to support bond financing for the reconstruction and rehabilitation of fire stations and equipment as identified in City Manager Report CMR-00-20. The City Manager was also directed to provide the City Council with information regarding the impact of this proposal on the City's overall budget. The Committee's recommendation is to be forwarded immediately to the full City Council for consideration. (Councilmembers Mathis, Stevens, Warden, and Stallings voted yea. Councilmember Wear voted nay.)

CITY MANAGER SUPPORTING INFORMATION:

On February 2, 2000, the Public Safety and Neighborhood Services Committee voted 4-1 to annually designate sufficient monies from Proposition 172/Senate Bill 8 Safety Sales Tax revenues to support bond financing for the reconstruction and rehabilitation of fire stations and equipment as identified in City Manager Report CMR-00-20. The Committee's recommendation included direction to forward this issue to full Council for consideration.

The City Manager was also directed to provide the City Council with information regarding the impact of this proposal on the City's overall budget.

FISCAL IMPACT:

Beginning in FY 2003, \$1.139 million in Proposition 172 funds would be used to fund debt service; after FY 2003, approximately \$2-3 million annually in Proposition 172 funds would be used to pay debt service.

Herring/MCW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D110-E312.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED
ADOPTING PHASES I AND II OF THE FIRE STATION REINVESTMENT
INITIATIVE; ADD THAT THIS IS THE HIGHEST PRIORITY IN THE CITY AND
THAT THERE IS A POSSIBILITY OF GOING TO PHASE II EARLIER; DIRECT

THE CITY MANAGER TO DO THE FOLLOWING: 1) PREPARE A CAPITAL IMPROVEMENT PROGRAM FOR IMPLEMENTATION; 2) AMEND COUNCIL POLICY 500-07, THE USE OF PROPOSITION 172 (LOCAL PROTECTION AND IMPROVEMENT ACT OF 1993) FUNDS, TO ALLOCATE SUFFICIENT FUNDING ANNUALLY TO SUPPORT REVENUE BOND FINANCING FOR PHASE I - \$20 MILLION CAPITAL INVESTMENT; 3) DIRECT THE CITY MANAGER AND CITY ATTORNEY TO PREPARE AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO FINANCE PHASE I OF THE FIRE STATION REINVESTMENT INITIATIVE; 4) IDENTIFY AND SET ASIDE \$150,000 IN PROPOSITION 172 FUNDING IN THE FISCAL YEAR 2001 BUDGET TO HIRE PROFESSIONAL/CONSULTING SERVICES THAT WILL BE NEEDED TO FACILITATE IMPLEMENTATION OF PHASE I; 5) IN THE EVENT THAT THE STATE COMES FORWARD WITH THE \$1.1 MILLION FOR THE POINT LOMA STATION, MOVE THOSE DOLLARS OVER TO THE KEARNEY MESA MAINTENANCE FACILITY; 6) DURING THE BUDGET DELIBERATIONS, IF THERE ARE ONE-TIME DOLLARS THAT COMES FROM THE STATE, ADDRESS SOME OF THESE ISSUES QUICKLY; AND 7) MAYOR GOLDING RECOMMENDED THAT THE CITY MANAGER COME BACK TO COUNCIL FOR APPROVAL SHOWING THAT THE MONEY WILL BE COMING OUT FROM THE GENERAL FUND OR DESIGNATE WHERE THE MONEY WILL COME FROM SO THAT IT IS NOT ADDING TO THE BOND INDEBTEDNESS. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea (nay on issuance of bond).

ITEM-200: Ordinance amending San Diego Municipal Code Section 24.0901.1 related to the San Diego City Employees' Retirement System.

RETIREMENT BOARD'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-181) INTRODUCED, TO BE ADOPTED ON JUNE 19, 2000

Introduction of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code by amending Division 9, Titled Powers and Duties of Board, by amending Section 24.0901.1, relating to the San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

The Board of Administration (Retirement Board) of the San Diego City Employees' Retirement System (SDCERS) was created by San Diego City Charter (Charter) Section 144 to manage SDCERS, administer its benefits and invest its trust fund. Pursuant to Charter Section 144, there are 13 members on the Retirement Board who serve without compensation. Pursuant to Charter Section 144, Board membership includes the City Manager, the City Auditor, the City Treasurer, three General Members elected by the General Membership, one Fire Safety Member elected by the Fire Department, one Police Safety Member elected by the Police Department, one retiree elected by the retirees and four citizens of the City appointed by the Mayor and City Council, one of which must be a local banker. The Board meets monthly to conduct SDCERS business. Pursuant to San Diego Municipal Code (SDMC) Section 24.0901.1, there is a quorum requirement of 9 members to do business or conduct a hearing. For any action item, a majority of the full Retirement Board (7 votes) is required. The 9-Member quorum requirement is inconsistent with the 5-Member quorum requirement for the 9-Member Mayor and City Council. The proposed 7-Member quorum requirement for the Retirement Board with the further requirement that 7 votes are required for the approval of any Board action is consistent with the existing quorum requirement for the Mayor and City Council. The numbering change is a technical correction which removes a decimal point not favored by the City Clerk for the numbering of SDMC sections. The Retirement Board has reviewed, approved and now recommends the proposed revision to the quorum requirement. There is no fiscal impact. A vote of the SDCERS membership is NOT required.

Grissom/LC

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B258-376.)

MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Amendments to the San Diego Municipal Code relating to the San Diego City Employees' Retirement System.

RETIREMENT BOARD'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-178) INTRODUCED, TO BE ADOPTED ON JUNE 19, 2000

Introduction of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code by adding Division 17 titled "Legislative Officers Retirement Plan;" by amending Division 1 by amending Section 24.0103; by amending Division 5; by repealing Division 5-A and Section 24.0521; by amending Division 6 by amending the title and by reenacting Section 24.0521 to Section 24.0610; by repealing Division 5-C and Sections 24.0541, 24.0542, 24.0543, 24.0544, 24.0545, 24.0546 and 24.0547 and reenacting it in new Division 17 as Sections 24.1701, 24.1702, 24.1703, 24.1704, 24.1705, 24.1706 and 24.1707; by repealing Division 7A and Sections 24.0714.1 and 24.0714.2; by amending Division 7 by reenacting Sections 24.0714.1 and 24.0714.2 to Sections 24.0716 and 24.0717; by amending Division 13 by amending Section 24.1301, all relating to the San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

The Board of Administration ("Retirement Board") is responsible for the administration of the San Diego City Employees' Retirement System ("SDCERS"). The Retirement Board recommends the following housekeeping amendments to the San Diego Municipal Code ("SDMC"):

1. Revise the definition of "member" in SDMC Section 24.0103 to:
 - Include legislative officers which were inadvertently removed in the revisions to the SDMC resulting from the Manager's Proposal in 1997.
 - Amend the number of "classes" of members from two (General & Safety) to four (General, Safety, Legislative Officer & Deferred).
 - Add a definition for "deferred member."
2. Repeal Division 5-A, Continuance to Surviving Spouse, and renumber and move SDMC Section 24.0521, Surviving Spouse-Contribution Rates and Benefits, the lone section in this division to SDMC Section 24.0610.

3. Repeal Division 5C, Legislative Officers Retirement Plan, and Sections 24.0541 - 24.0547, and reenact it as new Division 17 and add Sections 24.1701-24.1707, which correspond to Sections 24.0541-24.0547, respectively.
4. Amend the text of former SDMC Section 24.0541 to be renumbered to Section 24.1701 to conform to historical practice and clarify that the privileges and benefits available to Legislative Officer Members of the Retirement System are as specifically provided in the SDMC sections describing the benefits available under the Retirement System and not as provided to the contrary in former SDMC Section 24.0541, renamed to Section 24.1701.
5. Amend and Retitle Division 6 to read as "Optional Settlements and Survivor Benefits."
6. Repeal Division 7A, Retiree Death Benefit.
7. Renumber Sections 24.0714.1 and 24.0714.2, regarding the Retiree Death Benefit and the Retiree Death Benefit-Amount of, Section 24.0716 and 24.0717, respectively.
8. Amend Section 24.1301 by adding new language to clarify that LTD participants can make PSCS.

The proposed amendments have been reviewed and approved by the Retirement Board. The Retirement Board's General Counsel was directed to prepare the instant ordinance for submission to the City Council via the City Attorney. The proposed amendments will have NO fiscal impact. They will not affect any benefits to which present members are entitled. A vote of the SDCERS membership pursuant to San Diego City Charter Section 143.1 is NOT required. The Retirement Board anticipates providing a technical corrections ordinance each year. The instant ordinance reflects the recommended technical corrections to the retirement provisions located in the SDMC for 1999.

Herring/Grissom

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B258-376.)

MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Cable Television Franchise Agreement with Western Integrated Networks of California.

(See City Manager Report CMR-00-109.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-175) INTRODUCED, TO BE ADOPTED ON JUNE 19, 2000

Introduction of an Ordinance approving a Non-Exclusive Competitive Cable Television Franchise Agreement between the City of San Diego and Western Integrated Networks of California, Operating LLC.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B258-376.)

MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Two Actions Related to Year-end Budget Adjustments.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2000-180) HEARING HELD

Amending Ordinance No. O-18667 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1999-2000 and Appropriating the Necessary Money to Operate the City of San Diego for Said

Fiscal Year" by amending document OO-18667, as amended and adopted therein, by authorizing certain year-end budget adjustments including making additional appropriations and transfers that may be necessary to balance fund carryovers and expenditures/appropriations for Fiscal Year 2001.

Subitem-B: (R-2000-1427) ADOPTED AS RESOLUTION R-293245

Authorizing year end budget adjustments.

NOTE: Today's action is the first public hearing of the ordinance. See Item 342 on the docket of Tuesday, June 6, 2000 for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: B258-376.)

MOTION BY KEHOE TO HOLD THE HEARING FOR SUBITEM A AND ADOPT THE RESOLUTION FOR SUBITEM B. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2000 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
------------	-------------	-------------------------------------	--------------

Friday	5/26/00	165	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Monday	6/5/00	155	Rules Committee review
Tuesday	6/13/00	147	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	6/19/00	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/26/00	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	through 7/24/00	to 106	
Monday	7/31/00	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/00	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/00	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at 533-6476.

ITEM-251: Settlement of the Property Damage Claim of Thomas Perrotti, et al.

(R-2000-1176)

Adopted as Resolution R-292985.

A Resolution approved by the City Council in Closed Session on Tuesday, April 11, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$38,000 in the settlement of each and every claim against the City, its agents and employees, resulting from property damage from flooding to their property, located in Ocean Beach (Superior Court Case No. 729176, Thomas Perrotti, et al v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$8,000 made payable to Thomas Perrotti, Phyllis Perrotti, and Donald T. Whitson, Esq. 3900 Old Town Avenue, Suite 200-A, San Diego, CA 92110 and a second check in the amount of \$30,000 made payable to Jim Seaman and Donald T. Whitson, Esq., 3900 Old Town Avenue, Suite 200-A, San Diego, CA 92110, in full settlement of all claims.

Aud. Cert. 2000599.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-252: Settlement of the Personal Injury Claim of Ann Haakenson and Steven Jones.

(R-2000-1169)

Adopted as Resolution R-293026.

A Resolution approved by the City Council in Closed Session on Tuesday, April 18, 2000, by the following vote: Mathis-yea; Wear-not present; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$30,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claims of Ann Haakenson and Steven Jones;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$30,000 made payable to Ann Haakenson and Steven Jones, as the complete and final settlement of the personal injury claims which occurred on April 7, 1999.

Aud. Cert. 2000598.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

*ITEM-S400: Approving the Final Subdivision Map of San Diego Spectrum Phase 3.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1487) ADOPTED AS RESOLUTION R-293246

Approving the final subdivision map of San Diego Spectrum Phase 3, being a subdivision of Parcels 1 and 2 of Parcel Map PM-18204.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 47.146 acre site into 6 lots for industrial development. It is located east of Kearny Villa Road in the Kearny Mesa Community. On November 10, 1997 the Council of the City of San Diego approved Resolution R-289451 for San Diego Spectrum Phase 3. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. No separate subdivision improvement agreement or improvement bond are required for this subdivision because the public improvements are covered with the agreement and bonds for a previously approved unit of the subdivision. For reference, all public improvements required for this subdivision have been assured by permit No. W47865 and Bond No. 111274090 for \$4,073,020, a Notice to Proceed with Bond No. 11127420336 for \$4,643,206 and a second Notice to Proceed with Bond No. 11127420328 for \$9,189,836. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.

FISCAL IMPACT:

None.

Loveland/Haase/BNM

FILE LOCATION: SUBD - San Diego Spectrum Phase 3 (40)

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*ITEM-S401: Approving the Final Subdivision Map of Imperial Marketplace.

(This is a 9-lot subdivision. Mountain View Neighborhood. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1416) ADOPTED AS RESOLUTION R-293247

Approving the final subdivision map of Imperial Marketplace.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 42.476 acre site into 9 lots for a commercial development. This proposed development is located southwest of 45th Street and Imperial Avenue in the SF-5000 and CT-2 zones of the Southeastern San Diego Community Plan Area and was approved by the Southeast San Diego Development Committee. On September 14, 1999, the Planning Commission of the City of San Diego approved Planning Commission Resolution R-292172 for Imperial Marketplace [SSDPD/RPO] Permit No. 96-0338. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 30047-1-D through 30047-27-D filed in the Office of the City Clerk under Micro Number 140.29. All improvements are to be completed within one year. The Engineer's estimated cost of improvements is \$2,517,100 and a performance bond to satisfy that amount has been provided as surety. A cash bond in the amount of \$6,400, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/DH

FILE LOCATION: SUBD - Imperial Marketplace (40)

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*ITEM-S402: Four actions related to Approving the Final Subdivision Map of Torrey Del Mar.

(This is a 352-lot subdivision. Subarea North (Torrey Highlands) of the North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1529) ADOPTED AS RESOLUTION R-293248

Authorizing a Subdivision Improvement Agreement with D.R. Horton - San Diego, for the installation and completion of public improvements.

Subitem-B: (R-2000-1528) ADOPTED AS RESOLUTION R-293249

Approving the final map.

Subitem-C: (R-2000-1530) ADOPTED AS RESOLUTION R-293250

Authorizing a Landscape Maintenance Agreement with D.R. Horton - San Diego, for the installation and completion of public improvements.

Subitem-D: (R-2000-1531) ADOPTED AS RESOLUTION R-293251

Approving the acceptance by the City Manager of a grant deed of D.R. Horton - San Diego Holding Company, Inc., granting to the City Lots I, M and Q of Torrey Del Mar for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 176.463 acre site into 352 lots (333 residential development and 19 lettered lots). It is located on Carmel Valley Road west of Interstate 15 in the Peñasquitos East Community Plan area.

On September 14, 1999, the Council of the City of San Diego approved Vesting Tentative Map VTM-98-0250 by Resolution R-292179 for Torrey Del Mar Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 30110-1-D through 30110-31-D, filed in the Office of the City Clerk under Micro Number 140.26. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$5,290,606 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$58,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Peñasquitos East Community Area. This subdivision has a development agreement which provides for the payment of public facilities. Subdivider, by letter, has given assurance to the City of San Diego that they subscribe to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Lots 'I', 'M' and 'Q' are being deeded to the City at no cost as a condition of the Tentative Map approval. The lots total 25.895 acres in size. No park fee credit is being granted by this action. The lots are to be used for open space purposes. Staff recommends approval.

FISCAL IMPACT:

None.

Loveland/Haase/PH

FILE LOCATION:

Subitems A, B & C: SUBD - Torrey Del Mar (40)
Subitem D: DEED F-7776

COUNCIL ACTION: (Tape location: A358-483.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S403: New Main Library Site Selection.

(Continued from the meeting of May 30, 2000, Item 200, at the request of Councilmember Vargas and Councilmember Kehoe, to review relocation issues on the 707 LLC Site.)

(See City Manager Report CMR-00-107.)

NOTE: Testimony taken on 5/30/2000. The public testimony portion of the hearing is closed.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1420) ADOPTED AS AMENDED AS RESOLUTION R-293252

Approving the selection of one of the four acceptable sites as the location for a New Main Library:

2. Park to Bay Site; Park to Bay Site - Library only
3. 707 LLC Site
4. Kettner Site
5. Kettner + Site

Directing the City Manager to take the necessary steps to prepare for locating a New Main Library on the above selected site.

FILE LOCATION: MEET (63)

COUNCIL ACTION: (Tape location: B377-D109.)

Motion by McCarty to move to select the Historic Broadway Site as the preferred site for the New Main Library. Direct the City Manager to: 1) Take the necessary steps to prepare for locating a New Main Library at this site; and 2) Return to Council for action in 30 days, with an analysis and comparison of cost and benefits of financing options offered by the Historic Site Developer. Second by Warden.

SUBSTITUTE MOTION BY WEAR TO ADOPT THE RESOLUTION AS AMENDED SELECTING THE PARK TO BAY SITE FOR THE LIBRARY WITH THE EXPANSION POTENTIAL; INCLUDE AN AGGRESSIVE IMPLEMENTATION SCHEDULE TO MOVE FORWARD WITH THE PROJECT; AND DIRECT THE CITY MANAGER TO DO THE FOLLOWING: 1) BRING BACK A PLAN FOR RELOCATING THE POLICE GARAGE; 2) COMPLETE THE ARCHITECTURAL DRAWINGS; AND 3) BEGIN THE CAPITAL CAMPAIGN. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 6:15 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F273).